

Amendments to the Drawings

The attached sheets of drawings correct the drawings to add labels inside the schematic and flow chart boxes. The original drawings for Figures 1-2 were on one sheet, and the present corrected drawings for Figures 1-2 now occupy two sheets. Support for the labels can be found at in the Detailed Description section of the clean copy of the specification submitted as a preliminary amendment on September 23, 2004. See pp. 6-12.

Attachments:

Replacement Sheets 1 and 2

Annotated Sheets Showing Changes 1 and 2

REMARKS/ARGUMENTS

I. Status of the Case

In an Office Action dated September 20, 2006 ("the Office Action"), the Examiner rejected claims 10-18 under 35 U.S.C. § 103. Claims 1-9 were cancelled as requested in preliminary amendment filed on 9/23/2004. Further, the substitute specification and the drawings filed on September 23, 2004 were objected to by the Examiner. The application claims foreign priority based on French application 02/03892 filed on March 28, 2002. The Examiner recorded all papers submitted under 35 U.S.C. § 119(a)-(d). The application claims priority to a filing under 35 U.S.C. § 371 of PCT/IB03/01105, which was filed on March 21, 2003. The current Office Action is non-final.

II. Applicant's Response to the Rejections and Objections

A. Objection of the Drawings

The drawings have been corrected to obviate the objection under 37 C.F.R. § 1.83(a). See Appendix. In light of the corrections, applicant respectfully requests removal of the objection.

B. Objection of the Specification

The specification has been corrected to obviate the informality of the last paragraph of page 2 being unreadable. In light of the corrections, applicant respectfully requests removal of the objection.

C. Claim Rejections under 35 U.S.C. § 103.

Claims 10-13 and 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flick in view of Gosling. Claims 14-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flick in view of Gosling as applied to Claim 13, and in further view of Esfahani et al. In light of the following arguments, applicant respectfully requests removal of the rejection.

1. The References Do Not Disclose Every Feature of Claims 10 and 17.

If the cited references are combined in the suggested manner, independent claims 10 and 17 have novel and unobvious features that are not found in the cited prior art. To make a claim obvious, the prior art must teach or suggest all of the claim limitations. Manual of Patent Examining Procedure, § 2143.03; In re Royka, 490 F.2d 981 (C.C.P.A. 1974).

The Examiner indicated that Flick discloses a method and a device for the remote control of a sensor, comprising a processing unit, a command transmitter, and a transfer means, the device

configured to transfer to the processing unit, from the command transmitter, a processing program relating to the operation of the actuator and/or sensor and Gosling teaches a processing program stored in a directly executable form in order to update and control equipment remotely.

Claim 10 reads:

A device for the remote control of an actuator and/or a sensor for the security and/or comfort and/or monitoring installation of a building, comprising a processing unit, a command transmitter, and a transfer means, the device configured to transfer *to the processing unit, from the command transmitter*, a processing program *relating to the operation of the actuator and/or of the sensor*, said processing program stored in *directly executable form*.

Claim 17 reads:

A method for updating the operation of an actuator and/or a sensor controlled by at least one processing unit and intended for the security and/or the comfort and/or the monitoring of a building, the method comprising:

transmitting binary data by means of radio waves to the actuator and/or to the sensor, the binary data including

at least one code program directly executable by the processing unit of the actuator and/or of the sensor;

at least one product and/or application identification code; and

the program and the identification code being stored in an electrically reprogrammable memory of the processing unit.

None of the references cited by the Examiner disclose all of the features of the present claim.

For example, the device in claim 10 transfers a program *relating to the operation* of the actuator/sensor and the device is configured to transfer the program *from the command transmitter to the processing unit*. Similarly, the method for *updating the operation* of the actuator/sensor in claim 17 has a step of transmitting an executable program *to the processing unit from the command transmitter*. These features are not present in Flick or Gosling.

Flick discloses a device and method that allows a security system user to identify when a thief has attempted to access the system through a remote that has not been registered with the system. The information transferred from the remote to the system is a *data string* (i.e. the access code) which triggers the system to run a program. See column 8, lines 27-62. Another feature disclosed allows a user to delete unauthorized codes and restore authorized codes using the remote. See column 9, lines 1-24.

Gosling discloses a device and method for a universal remote that can use data (and simple programs) obtained *from the components it controls* to update the *remote*. See column 4, lines 31-41. The majority of information transferred from the components to the remote is data (e.g., jpg, wav, and gif files) that are executed by programs stored on the remote's processor. The few programs that are transferred allow the remote to handle different types of data that are transferred to the remote (e.g., sound, image, or movie files) when the remote does not already have the capability to use the file. See column 8, lines 20-24.

The device in claim 10 and the method of claim 17 include a transfer of programs that alter the *operation* of the actuator/sensor *from the remote to the actuator controller*. See also Specification, p. 8, last full paragraph, last sentence; p. 10, 3rd full paragraph, first sentence. Unlike Flick and Gosling, the information transferred is in the form of executable programs that affect the ability of *the actuator*, not the remote, to control different devices. Flick does not disclose the use of executable programs at all. The programs in Gosling allow the remote to function as a remote. In contrast, the programs in claims 10 and 17 allow the actuator to function in multiple modes and allow one actuator to control multiple different processes. In addition, the programs that are transferred in Gosling are transferred from the components to the remote but not from the remote to the components.

The applicant submits that the claim 10 and 17 clearly recite novel and non-obvious subject matter which distinguishes over any possible combination of Flick and Gosling.

B. The Dependent Claims Are Patentable Over the Cited Combinations of Prior Art.

The previously presented dependant claims 11-16 and 18 incorporate all the subject matter of either claim 10 or 17 and add additional subject matter which makes them patentable over the cited combination of prior art references for the reasons stated above. Applicant submits that claims 11-16 and 18 are more than combinations of previously disclosed technology and clearly recite novel subject matter which distinguishes over any possible combination of the cited references.

III. Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application; the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

By /s/Erik B. Flom
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Dated: December 20, 2006

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